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Federal Communications Commission
Office of the Secretary

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Schools and Libraries Universal Service)
Support Mechanism)

CC Docket No. 02-6
CC Docket No. 09-96

**INITIAL COMMENTS ON THE PROPOSED CIPA REQUIREMENTS
FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE MECHANISM
(DA 10-102)**

The West Virginia Department of Education (WVDE) submits these comments in accordance with the FCC's Public Notice released November 5, 2009 (DA 10-102) seeking comments on the proposed requirements related to the Children's Internet Protection Act.

The WVDE applauds the Commission's choice to allow schools to determine the best prescription for delivery of training and curriculum relating to Internet safety. Updating the Commission's rules in order to add provisions for schools to determine prescription of delivery of training and curriculum is socially responsible and shows great stewardship of the E-rate Program. The WVDE is concerned that E-rate applicants should be given more time to update Internet Safety Policies without threat of loss of funding. Since the initial CIPA Requirements document was released in November, 2009 with very little guidance, applicants have awaited further instruction from the Commission. Lacking guidance, schools have not been able to fully develop plans. Setting a FY 2009 deadline for updates to policies and curriculum development plans puts an unreasonable and onerous on applicants.



As a consortia applicant, the WVDE implores the Commission to consider the impact of this timeline on consortia leads who must collect FCC Form 479s from each applicant. This requires that the WVDE, as the Billed Entity be able to make CIPA certification on behalf of all consortia members. If applicants as members of the consortia had yet to complete the updates to their policies, it could render a situation whereby the WVDE, as the billed entity, would not be able to certify compliance for the entire consortia. Thus completing this task by the FY2009 deadline would be quite burdensome to consortia members as well as consortia leads nationwide. A reasonable time frame that would be more favorable to applicants and consortia, alike, would be for a Funding Year 2011 deadline. A more reasonable timeline would allow time to finalize curricula that has been in the works, but held up awaiting guidance from the Commission regarding any specifics relating to Internet Safety training for students, as well as, teachers and parents.

The WVDE understands that technology protection measures are important. However, applicants and schools take on a great deal of responsibility and potential liability when determining the particular levels of filtering that need to be in place to protect students from obscenity and pornography. Due to the requirements of these protective measures, the WVDE asks that some protection be afforded to schools, districts or state education agencies that set filtering protocols from being held liable and open to commitment adjustments of funding based on audits by USAC or FCC employees who may find access to content they would deem "inappropriate." If electronic filtering is in place and content is later deemed inappropriate, the entity should be allowed to adjust filtering settings to begin blocking the particular site without threat of funding being withdrawn. This would be effective upon notification from an agent working on behalf of USAC or the FCC and should be cured by the school or network administrator immediately upon said notification. This does not absolve the entity from the responsibility of filtering obscenity or pornography; however, in the spirit of the Bishop Perry order, would allow a school district to resolve the issue immediately without threat or fear of funding commitment adjustments.

In regards to updating of the acceptable use policy related to Internet use, the WVDE believes the Commission should accept either a hearing or public meeting as evidence of informing the public of this change in policy. The WVDE also requests a ruling that a meeting or hearing is not required each time a



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policy is amended. As a regular part of the educational process, students, teachers and parents and the community are provided information and education on school policy. An additional meeting or hearing creates an unnecessary burden on the schools. The WVDE recommends the Commission specifically state that if current acceptable use policies contain language related to educating minors about online safety, there is no further requirement that the Internet Safety Policy be re-approved with a public hearing. Finally, the WVDE recommends that the Commission specially state that applicants be required to retain Internet Safety Policy adoption documentation for a period of at least five years after the funding years in which such policies were adopted.

Respectfully Submitted by:

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